

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

GERARD KENNEY, ALEXA JOSHUA,	:	CIVIL ACTION
GLEN DELA CRUZ MANALO, and	:	
KATHERINE MURRAY LEISURE,	:	
	:	
Plaintiffs,	:	No. 18-5260
	:	
v.	:	
	:	
AMERICAN BOARD OF INTERNAL	:	
MEDICINE,	:	
	:	
Defendant.	:	
	:	

---

**ORDER**

**AND NOW**, this 26<sup>th</sup> day of September, 2019, upon consideration of Defendant ABIM’s (“ABIM”) Motion to Dismiss the Amended Complaint; Plaintiffs Gerard Kenny, Alexa Joshua, Glen Dela Cruz Manalo, and Katherine Murray Leisure’s Memorandum of Law in Opposition, and ABIM’s Reply in Support, it is hereby **ORDERED** that ABIM’s Motion (Doc. No. 22) is **GRANTED**.

**IT IS FURTHER ORDERED** that:

1. Counts I (unlawful tying under the Section 1 of the Sherman Act) and IV (unjust enrichment) are **DISMISSED WITH PREJUDICE**;
2. Counts II (illegal monopolization and maintenance) and III (RICO Act violations) are **DISMISSED WITHOUT PREJUDICE**; and
3. Plaintiffs shall have **FOURTEEN DAYS** from the date of this Order to file a Second Amended Complaint.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE